

PATENT

Attorney Docket No: AND-1001-DIV2

REMARKS

Claims 15 to 20 are presently pending in the application. By the present communication, claim 19 is amended to correct a typographical error.

The Examiner has maintained a rejection of claims 15 to 20 under the judicially created obviousness-type double patenting with respect to US patent 6,787,154. Although Applicant strongly disagrees with the Examiner's assessment as to this matter, Applicant has enclosed with the present response papers a terminal disclaimer to the '154 patent so as to obviate this rejection. As Applicant understands the Examiner's position, with the filing of this terminal disclaimer there will be no remaining issues for this case and it will be in condition for immediate allowance.

In the last response to the Examiner's office letter, Applicant's representative mentioned the occurrence of a conversation held with a PTO official visiting San Diego during a PTO road show. First, Applicant's representative makes to the Examiner a sincere apology for getting an issue mixed up with respect to what was discussed in the open meeting and what has been relayed to the Examiner. In comparing issues practitioners encounter, there was a mix up in which patent application and patents had method vs composition of matter claims. Thus, the example used by Applicant's representative in the open discussion wherein the PTO employee made the comment of "improper" findings on the part of the Examiner were incorrect. Applicant's representative assures the Examiner that if the example had been correctly stated, the point in making Examiner aware was simply to bring a potential situation like the present to the Examiner's attention for helping the case along.

The Examiner made note that official prosecution is to occur only between the Examiner assigned to the case and the Applicant. Applicant assures the Examiner that no specific detail of the case was disclosed nor was there an attempt to prosecute the application outside the statutory parameters.

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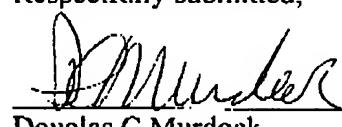
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CONCLUSION

In view of the amendments and above remarks, it is submitted that the claims are in condition for immediate allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Respectfully submitted,

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